

Joseph Spindle

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Case No.: 18-MJ-1776

IN RE: ALLISTER QUINTANA **BEAN & ASSOC'S, INC.**
GRAND JURY MATERIAL

TRANSCRIPT OF PROCEEDINGS
MATTER # 15
July 10, 2018

TESTIMONY OF: JOHNNY McDONALD, ALICIA RAE VIGIL,
BRIAN CACHUCHA, BENNIE COLLINS, II

BEFORE: THE FEDERAL GRAND JURY
Albuquerque, New Mexico

A P P E A R A N C E S

For the Government:

MR. JOSEPH SPINDLE
Assistant United States Attorney
Post Office Box 607
Albuquerque, New Mexico 87103

REPORTED BY: Peggy Jo Gonzales, CM, NM CCR 145
Bean & Associates, Inc.
Professional Court Reporting Service
201 Third Street, Northwest, Suite 1630
Albuquerque, New Mexico 87102

(757N-PJ)

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119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492

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Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@beanreport.com
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U.S. v. Allister Quintana

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JOHNNY McDONALD,

after having been first duly sworn under oath,
was questioned and testified as follows:

EXAMINATION

BY MR. SPINDLE:

Q. Good afternoon, Mr. McDonald.

A. Good afternoon.

Q. Did you get a subpoena to be here today?

A. Yes, I did.

Q. Do you understand that you are not the
target of this investigation?

A. Yes.

Q. Do you also understand that there are
currently no claims that you did anything wrong?

A. Yes.

Q. And do you understand that you are
currently under oath?

A. Yes.

Q. And do you understand that you must tell

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2

1 the truth today?

2 A. Yes.

3 Q. Do you understand that if you do not tell
4 the truth to the grand jury, you may be charged and
5 convicted of perjury, obstruction of justice, and/or
6 false statements, each of which is punishable by up
7 to five years imprisonment?

8 A. Yes.

9 Q. Do you understand that you may refuse to
10 answer any question that would incriminate you?

11 A. Yes.

12 Q. Do you know somebody by the name of Travis
13 Howland?

14 A. Yes.

15 Q. How did you know Travis Howland?

16 A. When I made it to Dulce, New Mexico, he
17 became a pretty good friend --

18 [REDACTED] Can you speak up? I'm sorry,
19 sir.

20 [REDACTED] Move closer to the
21 microphone.

22 A. When I made it to Dulce, New Mexico, he
23 became a pretty good friend of mine, and I ended up
24 staying with him, him and his mother.

25 Q. Approximately how long did you know Travis

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1 Howland?

2 A. I'd say about at least nine months.

3 Q. How long did you stay in Dulce?

4 A. About nine, nine and a half months.

5 Q. Okay. You're no longer living in Dulce?

6 A. No.

7 Q. Okay. Do you know somebody by the name of
8 Allister Quintana?

9 A. Yes, I do.

10 Q. How do you know Allister Quintana?

11 A. Through -- mostly through jail, when I was
12 incarcerated in Dulce, New Mexico.

13 Q. Were you in jail in Dulce with Allister in
14 the beginning of February of 2018?

15 A. Yes, I was.

16 Q. And were you in jail until February 15th of
17 2018?

18 A. February 13th.

19 Q. February 13th of 2018?

20 A. (No audible response.)

21 Q. A few days before your release, did
22 Allister come to your bunk and speak with you?

23 A. Yes, he did.

24 Q. Was it only the two of you in the bunk?

25 A. Yes, it was.

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1 Q. Did he tell you that he and someone named
2 Andrew tortured a man at his house and put him in a
3 closet?

4 A. Yes.

5 Q. Did Allister admit that he and Andrew
6 killed that man?

7 A. I wouldn't say killed. They said he was
8 still alive when they put him in the closet.

9 Q. When they put him in the closet?

10 A. Yes.

11 Q. Did he say that anyone else helped him kill
12 the man other than Andrew, or put the man in the
13 closet?

14 A. No.

15 Q. Would he tell you the identity of the man
16 that they tortured and put in the closet?

17 A. No.

18 Q. Did he say that he left the heater on in
19 his house because they were worried about the body
20 decomposing?

21 A. Yes.

22 Q. So he acknowledged that he knew the person
23 was dead eventually, but at the time that he was
24 telling you this he said he'd put them -- the man in
25 the closet before he had died?

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1 A. Yes.

2 Q. Did you speak with the FBI Special Agent
3 Lance Roundy and a Jicarilla Police Department
4 Officer, Arron Julian, about what Allister told you
5 on April 16th of 2018?

6 A. Yes.

7 Q. And you understood how important it was to
8 tell the truth?

9 A. Um-hum.

10 Q. Was that a yes?

11 A. Yes.

12 Q. And did you tell the truth to those agents?

13 A. Yes, I did.

14 Q. And after telling the FBI about the
15 conversation that you had with Allister in jail that
16 you testified about today, did you discuss options
17 with them to keep you safe?

18 A. Yes.

19 Q. Did they discuss witness protection?

20 A. Yes.

21 Q. Did they discuss assisting you with
22 resources to move you out of state?

23 A. Yes.

24 Q. And did you ever accept any assistance from
25 law enforcement for cooperation?

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1 A. No.

2 Q. But you moved out of the state on your own

3 accord?

4 A. Yes.

5 Q. When did you last have contact with

6 Allister Quintana?

7 A. I can't remember the date approximately,

8 but the date when I was released from DOC of Dulce.

9 Q. So you're thinking it was February 13th?

10 A. It was either -- I think it had to be in

11 April.

12 Q. You did -- oh, it was in April. I'm sorry,

13 so you were -- you were released on the 13th of

14 February. Did you go back to jail --

15 A. Yes, I did.

16 Q. -- at some point? When did you go back to

17 jail?

18 A. March I think it was 13th, too,

19 March 13th or March -- March 9th to the 13th.

20 I can't remember approximately, but...

21 Q. Sometime in that range, you went back to

22 jail in Dulce?

23 A. Yes.

24 Q. And was Allister Quintana still in custody

25 at that time?

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1 A. Yes, he was.

2 Q. And did you have any additional

3 conversations with him about what had happened?

4 A. No.

5 Q. Did he discuss Travis Howland in any way?

6 A. No. Ever since then, his name never came

7 up ever again. Not once did he ever bring that topic

8 or anything about that up.

9 Q. So you haven't talked with him or had no

10 contact with him since May 25th of 2018?

11 A. Yes.

12 Q. You have?

13 A. No, that's -- that's when I was released,

14 and I flew back to Montana that same day.

15 Q. Okay.



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1 BY MR. SPINDLE:

2 Q. And I'm sorry, did you say that you swear

3 to tell the whole truth and nothing but the truth?

4 A. Yeah.

5 Q. Would you please introduce yourself to the

6 grand jury.

7 A. I'm Alicia Rae Vigil.

8 Q. Ms. Vigil, did you get a subpoena to be

9 here today?

10 A. Yes.

11 Q. Do you understand that you're not the

12 target of this investigation?

13 A. Yes.

14 Q. Do you understand that there are currently

15 no claims that you did anything wrong?

16 A. Yes.

17 Q. And you're a little soft spoken, so please

18 speak into the mic as much as possible, okay.

19 A. Okay.

20 Q. Do you understand that you're currently

21 under oath?

22 A. What does that mean?

23 Q. The oath that was just administered to

24 you --

25 A. Oh, yeah.

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1 Q. -- that you swore to tell the truth.

2 A. Yeah.

3 Q. So you understand that you're under oath?

4 A. Yeah.

5 Q. Do you understand that you must tell the

6 truth?

7 A. Yes.

8 Q. Do you understand that if you do not tell

9 the truth to the grand jury, you may be charged and

10 convicted of perjury, obstruction of justice and/or

11 false statements, each of which is punishable by up

12 to five years imprisonment?

13 A. Yes.

14 Q. Do you understand that you may refuse to

15 answer any question that would incriminate you?

16 A. Yes.

17 Q. Ms. Vigil, is your nickname Ishi?

18 A. Yes.

19 Q. And do you know somebody by the name of

20 Allister Quintana?

21 A. Yes.

22 Q. How do you know Allister?

23 A. We used to date.

24 Q. How long did you guys date?

25 A. All together, probably like four, five

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1 years, but at the end, like, it started, like,
2 drifting -- drifting away, and -- yeah.
3 Q. And so about four or five years ago you
4 guys started dating?
5 A. Yeah.
6 Q. And were you consistently dating that whole
7 time or was it on again, off again?
8 A. I think maybe consistently. Like just
9 mainly texting and -- yeah.
10 Q. Okay.
11 A. And school.
12 Q. Okay, did you ever break up with
13 Mr. Quintana?
14 A. Yeah.
15 Q. When did you break up with Mr. Quintana?
16 A. Maybe -- I think, honestly, like me and him
17 just like broke up like -- I think it was his choice.
18 Q. Okay, so when did he break up with you?
19 A. Well, the first time was around -- or in
20 2016, and I think last year around August.
21 Q. So after you broke up in 2016, you got back
22 together?
23 A. Yeah. I think it was in the -- or it was
24 in the summertime.
25 Q. Okay.

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1 A. Yeah.
2 Q. And you were back together in 2017 for some
3 time?
4 A. Yeah.
5 Q. And did you break up again in 2017?
6 A. Yeah.
7 Q. When did you break up in 2017?
8 A. Around August.
9 Q. Did you still socialize with Mr. Quintana
10 after breaking up with him?
11 A. Yeah, I tried to, but, like -- I don't
12 know. Like it was -- yeah, it was something like
13 that.
14 Q. Do you still have feelings for
15 Mr. Quintana?
16 A. A little bit, yeah.
17 Q. Would you hang out at his house as recently
18 as 2018, the beginning of this year?
19 A. In the beginning?
20 Q. Yes.
21 A. Yeah.
22 Q. Is his house 66 Navajo Street in Dulce,
23 New Mexico?
24 A. Yeah.
25 Q. And is that within the Jicarilla Apache

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1 Reservation?
2 A. Yes.
3 Q. Do you know somebody by the name of Andrew
4 Bettelyoun?
5 A. Yeah.
6 Q. Describe your relationship with Andrew
7 Bettelyoun?
8 A. Right now we're just friends, but...
9 Q. You said "right now." Were you more than
10 friends at one point?
11 A. Yeah.
12 Q. Okay. Did you date Mr. Bettelyoun, as
13 well?
14 A. We tried, but, I don't know, it didn't just
15 happen or -- I don't know.
16 Q. When did you date Mr. Bettelyoun?
17 A. Probably like in the middle of February or
18 the end, but we were just like talking, but it
19 wasn't, like, really dating. It was just like --
20 something like that.
21 Q. You said the middle of February to about
22 the end of February of 2018?
23 A. Yeah.
24 Q. So this would have been in the last few
25 months?

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1 A. Yeah.
2 Q. Okay. And you're no longer dating
3 Mr. Bettelyoun?
4 A. No.
5 Q. Do you still have feelings for him?
6 A. No.
7 Q. Okay. Did you know somebody by the name of
8 Travis Howland?
9 A. Yes.
10 Q. Describe your relationship with him.
11 A. He was, I would say, like a brother, friend
12 to me.
13 Q. You never had an intimate relationship with
14 Mr. Howland?
15 A. Hum-um.
16 Q. When was the last time you saw Mr. Howland?
17 A. It was kind of towards the end of January,
18 and it was at Walmart in Pagosa, Colorado.
19 Q. You never saw Mr. Howland after seeing him
20 in Pagosa, Colorado, at a Walmart at the end of
21 January 2018?
22 A. No. That was the last time I seen him.
23 Q. Okay. Was there bad blood, in your
24 opinion, between Travis and Allister?
25 A. What do you mean?

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(505) 989-4949
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1 Q. How did they feel about each other?

2 A. They seemed like -- like a brother type

3 relationship.

4 Q. Did you ever see Allister and Travis get

5 into any physical altercations?

6 A. Yeah.

7 Q. When was that?

8 A. Last year around the summertime.

9 Q. Do you know why they got into a physical

10 altercation?

11 A. Well, sometimes, like, Travis, like, gets

12 drunk sometimes and, like, whispers stuff, like,

13 under his voice, I guess. I don't know, like, little

14 stuff like that. I don't know. And plus, like, he

15 was messing around with his mom, too, and that kind

16 of made him more mad, but --

17 Q. When you say "with his mom," Travis was

18 messing around with Allister's mom?

19 A. Yeah.

20 Q. Did that make Allister upset?

21 A. Yeah.

22 Q. When you say messing around, are you

23 referring to sexual relations?

24 A. Yeah.

25 Q. Did you go to Allister's house on his

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1 Birthday in 2018?

2 A. No.

3 Q. His birthday is February 2nd, correct?

4 A. Yeah.

5 Q. You didn't go to his house on February 2,

6 2018?

7 A. No.

8 Q. On February 2nd or 3rd of 2018, did you

9 see Allister Quintana, Andrew Bettelyoun, Bennie

10 Collins or Dominique Haines?

11 A. Yeah.

12 Q. Who did you see?

13 A. Allister, but that was, like, after his

14 birthday.

15 Q. You saw Allister the day after his

16 birthday?

17 A. Yeah.

18 Q. So February 3rd of 2018, you saw Allister?

19 A. Yeah.

20 Q. Where did you see him?

21 A. At his house.

22 Q. You went to his house that day?

23 A. Yeah.

24 Q. About what time did you arrive at his

25 house?

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1 A. It was around the evening time.

2 Q. What were you guys doing at his house?

3 A. Just talking about, I don't know, like

4 court stuff, because I had to go to court, too, in

5 Durango and stuff, and, I don't know, he was just

6 asking me about, like, my family and -- yeah.

7 Q. Describe the condition of Allister's house

8 on February 3rd of 2018?

9 A. It looked dark because it was around the

10 evening time, and I was -- or, yeah, I just went

11 straight to his back room and we started talking, and

12 we were drinking, too, and -- yeah, and I had to use

13 the restroom and, like, his first bathroom to the

14 right, like walking out of his room, I kind of, like,

15 noticed the door was, like, kind of messed up, and, I

16 don't know, it seemed like Kool-Aid splatters or --

17 it wasn't that big, but I kind of noticed that,

18 but -- and, plus, I don't really use that restroom.

19 So I just went to, like, the first bathroom because

20 that toilet is, like, kind of messed up in that -- in

21 that bathroom.

22 Q. When you say Kool-Aid splatters, were they

23 red in color?

24 A. Yeah.

25 Q. Did you notice any defects to the carpet in

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1 the hallway?

2 A. No.

3 Q. Did you notice a large puddle of red

4 liquid?

5 A. No.

6 Q. Do you remember speaking with me outside

7 and you mentioned that you thought somebody maybe had

8 spilled Kool-Aid, or something, in the hallway?

9 A. Yeah, but I was meaning the bathroom --

10 Q. Oh, in the bathroom?

11 A. -- like right there, yeah, on the walkway.

12 Q. Did you have sexual relations with Allister

13 that day?

14 A. Yes.

15 Q. Approximately how much alcohol did you have

16 to drink at Allister's house?

17 A. Maybe a fifth and a pint.

18 Q. A fifth of vodka?

19 A. Yeah.

20 Q. And a pint of what?

21 A. The same thing.

22 Q. Vodka?

23 A. Yeah.

24 Q. You, by yourself, drank a fifth of vodka

25 and --

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1 A. No, like, we shared it.

2 Q. Okay. Between just you and Allister?

3 A. Yeah.

4 Q. Who else was at his house that day?

5 A. Well, earlier -- or not earlier, but -- I

6 think there was, like, some lady that was, like,

7 outside, like, knocking on his window, and I think

8 she was, like, asking for Travis. I'm not too sure

9 if it was Travis or Andrew, but, yeah. And he's

10 like, I don't know and -- yeah.

11 Q. So a lady was asking for either Travis or

12 Andrew outside of his house?

13 A. Yeah.

14 Q. Do you know who that lady was?

15 A. No, because I was, like, sitting on the

16 couch and you know how, like, the windows are all

17 high, and -- yeah.

18 Q. And was Andrew Bettelyoun there on the 3rd

19 while you were there?

20 A. I don't think so, no.

21 Q. What about Bennie Collins?

22 A. No.

23 Q. What about Dominique Haines?

24 A. No.

25 Q. So the only person you saw at Allister

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1 Quintana's house on February 3rd of 2018 was

2 Allister?

3 A. Yeah.

4 Q. On March 8th, were you interviewed by

5 Special Agents Lance Roundy and Monty Waldron with

6 the FBI?

7 A. Yes.

8 Q. Did you understand that it was important to

9 tell them the truth?

10 A. Yeah.

11 Q. And did you tell them the truth?

12 A. Yeah.

13 Q. Ms. Vigil, when was the last time you had

14 any contacted with Allister Quintana?

15 A. Probably when he got thrown in.

16 Q. When he got thrown in where?

17 A. At Andrew's house.

18 Q. Would -- would that have been on

19 February 8th of 2018?

20 A. Yeah, I think it was a Thursday or -- yeah,

21 I believe so.

22 Q. So that day, what were you guy's doing at

23 Andrew's house?

24 A. Taking shots and they were -- they were

25 playing games, and those guys wanted to have a

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1 cookout and -- yeah, they -- they went down to the

2 store and got the stuff and -- yeah.

3 Q. And after consuming alcohol, was Allister

4 arrested that day?

5 A. Yes.

6 Q. Who else was arrested with Allister on

7 February 8th of 2018?

8 A. Dominique Haines.

9 Q. And you haven't had any contact with

10 Allister since February 8th of 2018?

11 A. No.

12 Q. Have you spoken with him in any way?

13 A. No.

14 Q. So you certainly haven't spoken with him

15 since May 25th of 2018, right?

16 A. May 25th of this year?

17 Q. 2018, this year.

18 A. May 25th? I don't think so, no.

19 Q. Okay, you haven't had any phone calls with

20 him or anything?

21 A. No.

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 BRIAN CACHUCHA,

2 after having been first duly sworn under oath,

3 was questioned and testified as follows:

4 EXAMINATION

5 BY MR. SPINDLE:

6 Q. Good afternoon, sir.

7 A. Good afternoon.

8 Q. Please introduce yourself to the grand

9 jury.

10 A. I'm Brian Cachucha.

11 Q. Mr. Cachucha, did you get subpoenaed to be

12 here today?

13 A. Yes, I did.

14 Q. And do you understand that you're not the

15 target of this investigation?

16 A. Yes.

17 Q. Do you understand that there are currently

18 no claims that you did anything wrong?

19 A. Yes.

20 Q. Do you understand that you're currently

21 under oath?

22 A. Yes.

23 Q. And do you understand that you must tell

24 the truth?

25 A. Yes.

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1 Q. Do you understand that if you do not tell
2 the truth to the grand jury, you may be charged and
3 convicted of perjury, obstruction of justice, and/or
4 false statements, each of which is punishable by up
5 to five years of imprisonment?

6 A. Yes.

7 Q. Do you understand that you may refuse to
8 answer any questions that may incriminate you?

9 A. Yes.

10 Q. Mr. Cachucha, how do you know Allister
11 Quintana?

12 A. He's my nephew. His mother's my -- no,
13 his -- his dad's my first cousin. Yeah.

14 Q. Okay. How about Travis Howland?

15 A. He is, like, one of my first cousins -- I
16 mean, nephew -- he's my nephew, too.

17 Q. Okay.

18 A. His dad was, like, pretty much my first
19 cousin, too.

20 Q. Okay. And on January 13th of 2018, did you
21 spend the day with Allister Quintana?

22 A. Yes, I did.

23 Q. Were you at his house?

24 A. Yes, I was.

25 Q. Is that 66 Navajo Street?

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1 A. Yes.
2 Q. Did you notice any rancid smells or blood
3 in the house that day?

4 A. No, I didn't.

5 Q. And did he tell you that day that he
6 planned to kill Travis Howland?

7 A. He didn't really tell me that he planned,
8 he just mentioned that he was -- well, he mentioned
9 him, and then all he said was, "I'm going to kill
10 him," you know.

11 Q. And why did he say he wanted to kill Travis
12 Howland?

13 A. It was to the effect of over a money card
14 that was so much money, I believe it was 30,000 or
15 something on the card, and that was all that it came
16 to.

17 Q. Did Allister believe that Travis had his
18 money card?

19 A. Yes.

20 Q. And that upset him?

21 A. Yes.

22 Q. You were arrested and placed in the Dulce
23 jail in January of 2018, right?

24 A. Yes.

25 Q. What date was that approximately?

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1 A. Okay, this was -- this was, like, toward
2 the end, like -- it was, like -- it was, like, a week
3 after my birthday on the 13th, it was like about a
4 week after that, and then I -- I spent just a couple
5 of days there, and I ended up getting back in there
6 for the same thing, intoxication. And I just spent a
7 couple of days in there, too, and then they sent me
8 to the detox center after that.

9 Q. Okay.

10 A. And that's where I was released from
11 Sunday.

12 Q. Okay. So let's frame this: You believe it
13 was about January 20th of 2018 when you were taken
14 to jail in Dulce, and then you were released in early
15 February of 2018?

16 A. I was released before that. I was -- it
17 was somewhere -- somewhere, like, in the middle of
18 January I believe maybe, but I was only out, like,
19 maybe a week, and then I got in trouble again and I
20 got back in; that was around the 25th.

21 Q. Okay, so you're thinking you were in jail
22 from at least the 25th of January through
23 February 13th?

24 A. Yes, yes, yes.

25 Q. Okay. And on February 13th, you were

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1 released from jail, right?

2 A. Yes.

3 Q. Was Allister in jail with you from
4 February 9th until your release on
5 February 13th of 2018?

6 A. Can you run that question again?

7 Q. Sure. Was Allister in jail with you from
8 February 9th through your release on
9 February 13th?

10 A. Yes.

11 Q. Okay. And in jail did he ask you to go by
12 his house once he was released -- once you were
13 released?

14 A. Not really. I had just stopped by because,
15 you know, I just recently got acquainted with him,
16 you know, because I didn't see him for a long time,
17 and he was mad at me for a long time.

18 Q. So he didn't ask you to go by his house
19 after you were released?

20 A. Huh-uh. I was just passing through, and I
21 was passing by and he saw me.

22 Q. Did he ask you -- between
23 February 9th and February 13th of 2018, did he
24 ask you any suspicious questions?

25 A. Yeah. The day I was being released, that

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1 was, I believe, on the 25th, around the 25th or
2 so. Yeah.

3 Q. I'm asking you between February 9th and
4 February 13th.

5 A. Yeah, okay, okay, okay, yeah. Okay. Did
6 he what?

7 Q. Did he ask you any suspicious questions?

8 A. To tell you the truth, not really, no.

9 Q. Was there a time when you were in jail
10 together when he asked you about what prison was
11 like?

12 A. That was the day I was being released.

13 Like just, I guess, maybe a few minutes before they
14 were releasing me, he -- I guess he saw me go in the
15 restroom by myself, and I was washing up and stuff
16 and getting ready to go, and he came in and asked me
17 that question.

18 Q. Why did that seem strange to you?

19 A. It was just like -- I was just, like, I
20 wonder why he asked me that, you know.

21 Q. And did he clarify why he wanted to know?

22 A. Huh-uh.

23 Q. Okay.

24 A. Once I answered him, he just went out on
25 me.

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1 Q. That was the day you were released?

2 A. Yes.

3 Q. So would that have been the 13th of
4 February of 2018?

5 A. Yes, yes.

6 Q. Okay. And when you were released, did you
7 spend the evening with a friend of yours named Darwin
8 Valdez?

9 A. Yes, I did.

10 Q. Has he since passed away?

11 A. Yes.

12 Q. Sorry to hear that.

13 The next morning, did you have breakfast
14 with Darwin?

15 A. Yes, I did.

16 Q. And then did the two of you part ways?

17 A. Yes.

18 Q. So that would have been the morning of
19 February 14th of 2018?

20 A. Yes.

21 Q. Did you stop by Allister Quintana's house
22 after parting ways with Darwin Valdez?

23 A. Yes, I did.

24 Q. Is that the house at 66 Navajo Street?

25 A. Yes.

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1 Q. Around what time did you get to Allister's
2 house?

3 A. This was around -- pretty much around early
4 noon hour.

5 Q. And describe the house when you arrived
6 there.

7 A. Okay, sometimes I don't take the street.
8 You know, there's a little back trail coming up,
9 from, you know, the back side, and so sometimes when
10 I'm coming from the town, I take that little back way
11 to the house. And I was like maybe -- I would say,
12 maybe 50 feet away when I seen the windows ajar and
13 the light was on, the kitchen light, and I could
14 smell something already.

15 Q. Will you describe that smell?

16 A. It smelled like rotten meat.

17 Q. What did you think it was?

18 A. To me, it really smelled like -- like when
19 a deer's rotting or something.

20 Q. And so what did you do?

21 A. I -- I seen the windows ajar, so thinking
22 somebody was inside like he always was, because
23 sometimes I would approach the window like that when
24 it was open, you know, and say, "Hey, nephew, you
25 know, it's me," you know, and he'll say, "Go to the

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1 door."

2 But this time there was no answer, and I
3 could smell the odor, so I figured, oh, well, let me
4 go check the door, you know, maybe somebody will
5 answer the door. So I went to the front door; the
6 window was open. So I tried the door because I was
7 yelling through the window still, I was yelling his
8 name. I call him nephew. And I opened the door and
9 I peeked in, and the smell was just bad, and so I was
10 like...

11 So I went in thinking it was rotten meat in
12 the fridge maybe, and I was, like, you let something
13 rot? How -- you know, I was puzzled because how
14 could -- how could that be, you know. And then so I
15 went to the laundry room, I opened that back door,
16 and that was all cleaned out. And then the kitchen
17 windows, I opened them more. I checked the fridge,
18 everything still looked fresh in there, what little
19 was in there, and I closed that.

20 I went to the front living room; everything
21 was ajar, like, the couches, everything was out of
22 place. It looked strange. And there was stuff in
23 the living room that was never -- like, just left
24 there and put there, you know. And I was even scared
25 to, like -- first thing that crossed my mind because

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of the smell was don't lock in the closet, you know, or that -- one of those back rooms.

So I was like -- I started heading down that hallway toward the back rooms, and there's a first little room, and then there's that first room, you can see it when you're walking down the hall, you can practically see in it when the door's open. And I -- I got to that first little room and then the door to right there, and that -- that room is where all the blood was with a towel in it, like somebody was trying to wipe it up, but they did a sloppy job and just left it. And I just seen the blood puddle with the towel, and everything was already dry.

And that -- that window doesn't -- it's a big window, it doesn't have a curtain on it, and that's where a lot of the light was coming through. The rest of the house, the kitchen, everything was bright because of the curtains, they're white, and so the sun was shining through the kitchen and the dining room pretty bright. And then that back room is the only room that had light where all the blood was.

I didn't go to the back, to the far back or anything, to his room. When I seen the blood, I ran out of the house and I went to my daughter's, like,

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two houses up the street, and I told her, let me use your phone, I'm going to report somebody broke into your cousin's house, from what it looks like, and it stinks in there.

And then so I called it in, and Officer Chad told me, CO, he said, well, we're giving out lunch trays right now. And I said, well, I know he's supposed to be released today. He was supposed to get out before me, but apparently he hasn't got released.

Q. Let's back up, Mr. Cachucha, just a moment. So which daughter's house did you go to?

A. My daughter, Cheryl.

Q. Your daughter, Cheryl?

A. Yeah.

Q. And you said you called it in. Did you call the Dulce Department of Corrections?

A. Yes, I did.

Q. Why did you not call 911?

A. This -- well, see, this was the first time, and I said, just let my nephew know that somebody broke into his house. Because I asked him first, did he get released or is he still in there? He said, he's still here. So I said, well, let him know that somebody broke into his house. I didn't want him to

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think it was me, because, you know, he started inviting me back over, you know, and then he goes, when you get out, you know, just swing by, you know, so I was, like, okay.

And so anyway, after I called it in to Corrections, they said call back at 2:00, and I was like, well, can you just let him know, you know, because he's supposed to be released today, you know. If he gets released, you know, either way, you know, just let him know. And I'm up in the neighborhood, you know, and then, I'm at my daughter's house. And so he goes, all right, well, just call back at 2:00. And I said, I don't need to talk to you. Just let him know that somebody broke into his house, and there's a smell in there and the house is awry like somebody broke in. And he goes, well, all right, just call back at 2:00 anyway. So I was, like, okay. I ran back up to my -- well, I was at my daughter's already reporting this.

And so we discussed it after we hung up and we were, like, you know -- and that's when she was, like, well, Travis has been missing for -- for a few days now. He would have texted me or, you know, his ex-girlfriend, Allie. And I was, like, really? She goes, yeah. And I said, well, something really

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smells in there. They told me to call back at 2:00. And then I said, I don't know if I should go through the house or what. Or what. You know, I'm afraid of what I might find, you know. And so we discussed it. I said, well, I've got stuff to do at my house real quick, I've got to go look through some papers that I need to take back downtown. So I did, and it took me about -- from, like, about 12:30 to about it was exactly a little before 2:00.

So I started headed back down the street where we all live in that whole little area, and I was supposed to go to my daughter's and call because they said they were going to have him on the phone, but since his house is before my daughter's, I figured, well, maybe he got out by now. And as I was going down the driveway and getting -- approaching the door, I seen everything was still the way I left it. I left the back door open, I opened up the kitchen windows wide open, and I just left that front window the way it was, and I left the front door wide open. And so as I was approaching the house the second time, I said, well, maybe he got out. But as I was approaching, I noticed, I said, well, there's still nobody here.

And so I yelled again from the door and I

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1 was like, the smell, you know, and I was like, damn,
2 I wonder if I should go in the back, you know. Maybe
3 somebody's back there. And I was like, should I or
4 shouldn't I? I was scared. And so I said, I'm going
5 to do it, you know, check this out. So I went into
6 his room. There was really nothing from what I could
7 see. I didn't want to look in that big closet in his
8 room. So I was, like, darn. I checked the shower
9 room. I could see from the hallway that the light
10 was off; it looked like nothing was in there. I
11 didn't go in there or turn on the light or anything.
12 I just looked that there was nothing in there. And
13 then I passed the room right there with all the blood
14 in it, and there's this first little room, it's
15 empty.

16 And so I was going back down the hall, and
17 I was -- something stopped me right there, and I was,
18 like, peek in there. And I was, like, I didn't want
19 to go bad. Either that one or the front door closet,
20 there's a closet right behind the front door. It's a
21 smaller closet and then this one in the hallway is a
22 big closet. And it has a double door, it opens like
23 this way. And I crept the right door open. I didn't
24 open it all the way like that. I was just creeping
25 it open, because it was kind of dark. You know,

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1 there was light on this side and light on this side,
2 but dark everywhere else, you know.

3 And so the way the light looked shining
4 into it, it looked kind of -- it was gloomy and
5 spooky, and as I was creeping the door open, I crept
6 it -- I got it about that far, and then I noticed it
7 was a person. And I saw from, like, maybe this part
8 on up to the head.

9 Q. And for the record, are you referring to
10 the waist?

11 A. Yes. And I couldn't tell who it was or
12 anything. I could just tell the skin was discolored,
13 like, I could tell the body was kind of puffy, and
14 from what I could make out there was, like, wounds
15 all over right here. From what -- I just stared at
16 it for a few seconds, you know.

17 Q. Are you referring to the torso where those
18 wounds were?

19 A. Yes, this area right here.

20 Q. Mr. Cachucha, let me just go back and
21 clarify because the court reporter is writing down
22 everything you say, but we don't have a visual record
23 of this, so just for the court record's benefit, let
24 me make sure that I can adequately express what you
25 showed with your hands while you were testifying.

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1 A. Okay.
2 Q. Tell me if this is correct.
3 A. Okay.
4 Q. When you said you were opening the doors,
5 there were two doors in the hallway?
6 A. Yes.
7 Q. And both of those doors open inward --
8 A. No --
9 Q. -- towards you?
10 A. -- they open outward.
11 Q. Okay, towards you?
12 A. Yeah.
13 Q. Towards you.
14 A. Yeah.
15 Q. And you open one of them outward towards
16 you?
17 A. Yeah.
18 Q. And about a foot wide?
19 A. Yeah.
20 Q. And you peeked in, and you could see --
21 A. As I was --
22 Q. -- someone's body?
23 A. Yeah, as I was -- I was creeping it open
24 like that, I was starting to see it more and more and
25 more, and then I got so far and I was, holy moly,

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FAX (505) 843-9492



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1 that's a person. And I couldn't tell who it was.
2 Q. You mentioned it was discolored?
3 A. Yeah.
4 Q. What color was it?
5 A. It kind of looked pale, but then again it
6 looked like -- you know, like, red, yellow, green,
7 whatever, from what I saw.
8 Q. Did you have any idea whose body it was?
9 A. No, I did not.
10 Q. So what did you do at that point?
11 A. I ran back up to my daughter's and I
12 reported it. Her family was -- her family was there,
13 her mom, her mother's sister and the little kids,
14 they were all there. They were just sitting in the
15 living room watching TV or whatever. And when I ran
16 back up there, I said, hey, let me use your phone,
17 one of your phones. There's somebody dead in your
18 cousin's house. And they just freaked out. They
19 didn't believe me. I said, let me use your phone.
20 And then everybody kind of panicked, mainly
21 like my sister-in-law. Well, I -- she's still my
22 sister-in-law even though we were never married, but
23 we were that close. And so she was, like, do you
24 really think you should call? I said, yes, I am
25 going to call this in. You know, this is crazy. I'm

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1 not going to let this go, you know. There's a person
2 in that -- in the closet, and you can smell it, it
3 smells pretty strong. I said, I'm surprised you
4 can't smell it from here, because she's just like
5 maybe -- maybe not even 100 feet away.
6 And so right away my ex-girlfriend handed
7 me her phone and then I called it in. And, like,
8 five minutes later I was already talking to the
9 police, and the investigation, and everything.
10 Q. And did you report it that time, again, to
11 the Department of Corrections?
12 A. Yes, I called Corrections again, but I
13 said, let my nephew know that there's somebody dead
14 in his house. Because I asked, did he get out yet?
15 And they said, no, not yet. I said, well, let him
16 know this, I said, there's somebody dead in his
17 house, so get the cops up here, the emergency. So
18 that was -- that was...
19 Q. And was the person you talked to at the
20 Department of Corrections that time Wendy, your
21 niece?
22 A. Yes.
23 Q. And she obviously must have reported it
24 because law enforcement showed up to the house?
25 A. Yes. She's a CO.

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1 Q. Okay.
2 A. Yeah.
3 Q. And, again, you didn't call 911 because you
4 thought reporting it to the Department of Corrections
5 was sufficiently reporting it?
6 A. Yeah, I figured, yeah, everything goes
7 together, you know, it's going to get reported anyway
8 through -- all the way, so I figured it wouldn't
9 matter, you know, just -- just call, you know.
10 Q. Sure. After the -- after law enforcement
11 came by the house on Navajo, did you go by Bennie
12 Collins' house?
13 A. Yes, I did, later on that day.
14 Q. And did you speak with Bennie and Bennie's
15 father about the fact that you discovered the body
16 in --
17 A. Yes.
18 Q. -- in Allister's house?
19 A. Yes, I did.
20 Q. Okay. Now, Mr. Cachucha, you had nothing
21 to do with the death of Travis Howland, did you?
22 A. No, I didn't.
23 Q. In fact, you were in jail from
24 January 25th, approximately, through February
25 13th?

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1 A. Yeah, yeah.
2 Q. And did you speak with FBI Agent Lance
3 Roundy on June 25th of 2018?
4 A. Yes, I did.
5 Q. And did you understand how important it was
6 to tell the truth --
7 A. Yes.
8 Q. -- the truth to Agent Roundy?
9 A. Yes.
10 Q. Okay. And you did tell him the truth?
11 A. Yes, I did.
12 Q. When was the last time you had contact with
13 Allister Quintana?
14 A. That last day I got out that was on the
15 13th.
16 Q. February 13th?
17 A. Yeah.
18 Q. You haven't spoken with him in any way, on
19 the telephone or anything, since then?
20 A. No.
21 Q. Since February 13, 2018?
22 A. When I got put back in that second time, I
23 said -- I told officers, is my nephew still here?
24 They said, yeah. And I said, well, where do you guys
25 have him? They said, he's back in the population. I

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1 said, I don't want to go back in there, I don't even
2 want to see him or talk to him. So they put me in a
3 different cell, and eventually I got out, like a
4 couple of days later.
5 Q. Okay. So no conversations whatsoever with
6 him since February 13th of 2018?
7 A. No.
8 Q. Okay.
9
10
11
12
13
14
15 BENNIE COLLINS, II,
16 after having been first duly sworn under oath,
17 was questioned and testified as follows:
18 EXAMINATION
19 BY MR. SPINDLE:
20 Q. Would you please introduce yourself to the
21 Grand Jury.
22 A. My name's Bennie Collins, II.
23 Q. And, Mr. Collins, you testified here about
24 a month ago, right?
25 A. Yeah, on my birthday.

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1 Q. Okay. And did you again get subpoena to be
2 here today?
3 A. Yeah.
4 Q. And, again, did you -- do you understand
5 that you're not the target of this investigation?
6 A. Yes, sir.
7 Q. You understand that there are currently no
8 claims that you did anything wrong?
9 A. Yes, sir.
10 Q. And do you understand that you are
11 currently under oath?
12 A. Yeah.
13 Q. And do you understand you must tell the
14 truth?
15 A. Yes, sir.
16 Q. Do you understand that if you do not tell
17 the truth to the Grand Jury, you may be charged and
18 convicted of perjury, obstruction of justice and/or
19 false statements, each of which is punishable by up
20 to five years imprisonment?
21 A. Yes, sir.
22 Q. And do you understand that you may refuse
23 to answer any question that would incriminate you?
24 A. Yeah.
25 Q. Okay. Mr. Collins, the first question I

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1 want to ask you about is during your previous
2 testimony you talked about seeing a photograph when
3 Warren Cachucha picked you up sometime February 3rd
4 of 2018 --
5 A. Yeah --
6 Q. -- do you remember that?
7 A. -- Harley and Warren picked me up, and
8 that's when they showed me the picture.
9 Q. They showed you a photograph of Travis
10 Howland?
11 A. Yeah.
12 Q. And I'm going to show you what has been
13 marked as Grand Jury Exhibit 1. Sir, does that --
14 that image appear familiar to you?
15 A. Yeah, that's the picture.
16 Q. That's the picture --
17 A. Yeah.
18 Q. -- they showed you? And does it appear to
19 be a true and accurate depiction of what you were
20 shown the day Warren and Harley picked you up?
21 A. Yeah, he showed me it on his phone.
22 Q. Okay.
23 MR. SPINDLE: And I'm going to publish this
24 to the Grand Jury, I'm going to pass it around.
25 Actually, I'll start right here.

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1 Q. And the person that's depicted in that
2 photograph, is that Travis Howland?
3 A. Yeah.
4 Q. Okay.
5 A. Yes, sir.
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED] So we were confused about two
15 things. You had told Harley that your car was at
16 Allister's house that morning.
17 WITNESS COLLINS: No, it was the day I
18 bailed Allister out of jail. The day he kicked her
19 out was the day I was there in my -- with my car. I
20 pulled off to the side like this by a tree.
21 [REDACTED] And you left your car there?
22 WITNESS COLLINS: No. I use my car
23 every -- it's a truck, actually. I use my truck
24 every day. It's a Ford F-150.
25 [REDACTED] Then why did you call Harley

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1 to take you to the FBI or to go talk?
2 WITNESS COLLINS: Because they started
3 threatening me, calling me on the phone and
4 everything.
5 [REDACTED] Who?
6 WITNESS COLLINS: Harley and Warren. They
7 told me that -- I don't know, they just called me,
8 started telling me just, I don't know, that I was a
9 part of it, and I told them I wasn't. So I told
10 them, can you please take me to the immediate
11 authorities so I could talk to them. And that's what
12 I did.
13 [REDACTED] Was that to ensure that they
14 knew that you were cooperating in the investigation?
15 WITNESS COLLINS: Yeah, I did everything.
16 Anything anyone wanted.
17 [REDACTED] Did you want them to
18 understand that by dropping you off there, they knew
19 that you were cooperating and doing everything you
20 could do?
21 WITNESS COLLINS: Yeah, I went up there and
22 I seen them, and then they told me to go down to the
23 PD and see them at 6:00, so that's what I did. And
24 that's when I did my first interview.
25 [REDACTED]

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1 [REDACTED]
2 [REDACTED] I don't know if you'll
3 exactly remember, but we were just trying to get, you
4 bailed Allister out, was it, January 31st or the
5 1st of February?

6 WITNESS COLLINS: It had to be the -- the
7 night before -- I think it was his birthday or the
8 night before his birthday I got him out of jail,
9 because I had to scrounge my things together, I
10 pawned them, and I got the money together and I got
11 him out.

12 [REDACTED] Okay.

13 WITNESS COLLINS: That was the night me and
14 Cheryl were there.

15 [REDACTED] And then that's the same
16 evening that Allister kicks Harley and Michael out of
17 the house?

18 WITNESS COLLINS: Yeah.

19 [REDACTED] Okay.

20 WITNESS COLLINS: And that's the same
21 evening my girlfriend wanted me to go back home.

22 [REDACTED] Okay.

23 MR. SPINDLE: And so to be clear, Allister
24 was out of custody by February 1st of 2018, right?

25 WITNESS COLLINS: Yeah, he was at his

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1 house, yeah.

2 [REDACTED] When did you see this
3 picture?

4 WITNESS COLLINS: The day they picked me
5 up, the day they were calling me on the phone.

6 [REDACTED] February --

7 WITNESS COLLINS: That's when Warren showed
8 me. I can't remember the exact date, but it was the
9 date I did my interview.

10 Q. (By Mr. Spindle) It would have been the
11 date that the body was discovered in Allister's
12 house, correct?

13 A. It should have been, yeah.

14 Q. So then that would have been February 14th
15 of 2018?

16 A. Yeah, the date I did my first interview is
17 when I first seen it.

18 Q. When you say your first interview, you mean
19 your first interview with law enforcement --

20 A. Yeah --

21 Q. -- after discovering --

22 A. -- it was that evening.

23 Q. Okay. And let me finish the question.

24 -- after discovering that Travis Howland's
25 body had been discovered in Allister's house, right?

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1 A. Yeah.

2 [REDACTED]
3 [REDACTED] So what's this picture of?

4 I'm sorry, I don't remember this.

5 Q. Mr. Collins, would you describe the image
6 that's marked as Grand Jury Exhibit 1.

7 A. I guess it's just Travis with a fifth, a
8 bottle by him.

9 Q. And you weren't there when that
10 photograph --

11 A. No.

12 Q. -- was taken, right?

13 A. No, sir.

14 Q. It's just specifically the photograph that
15 was shown to you --

16 A. Yeah.

17 Q. -- when you were taken to the FBI for your
18 first interview?

19 A. When -- when they picked me up, that's when
20 Warren showed me.

21 [REDACTED] Was that after -- I think you
22 mentioned he got beat up somewhere along the line --

23 WITNESS COLLINS: Yeah.

24 GRAND JUROR: -- or somebody did. Is that

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1 after -- do you think that this picture was after
2 that beating or was this after his death?

3 Q. (By Mr. Spindle) And, sir, do you know when
4 that image was taken?

5 A. I don't. I don't.

6 Q. But that is specifically the image that was
7 shown to you on February 14th --

8 A. Yes.

9 Q. -- of 2018?

10 A. Yes, sir. That's what Warren showed me on
11 his phone.

12 Q. Thank you.

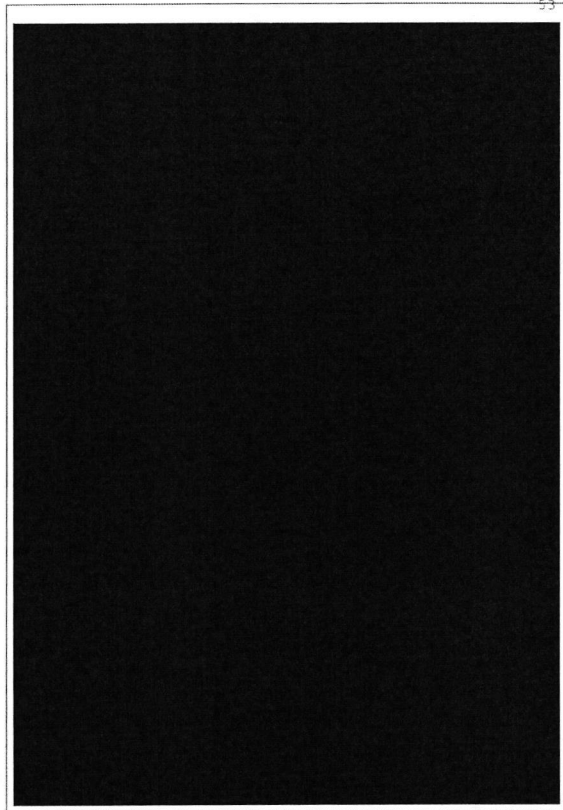
13 [REDACTED]
14 [REDACTED]
15 WITNESS COLLINS: You guys -- you guys are
16 a lot of people. It's a lot of people.

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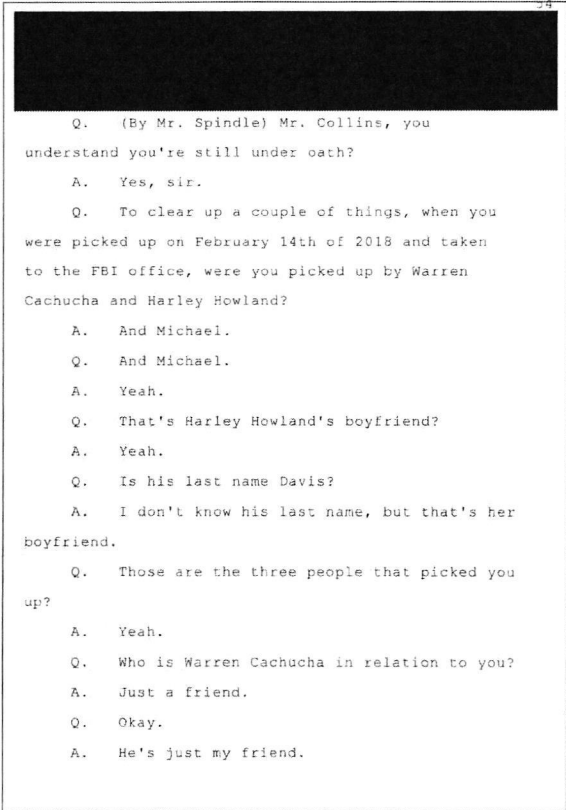
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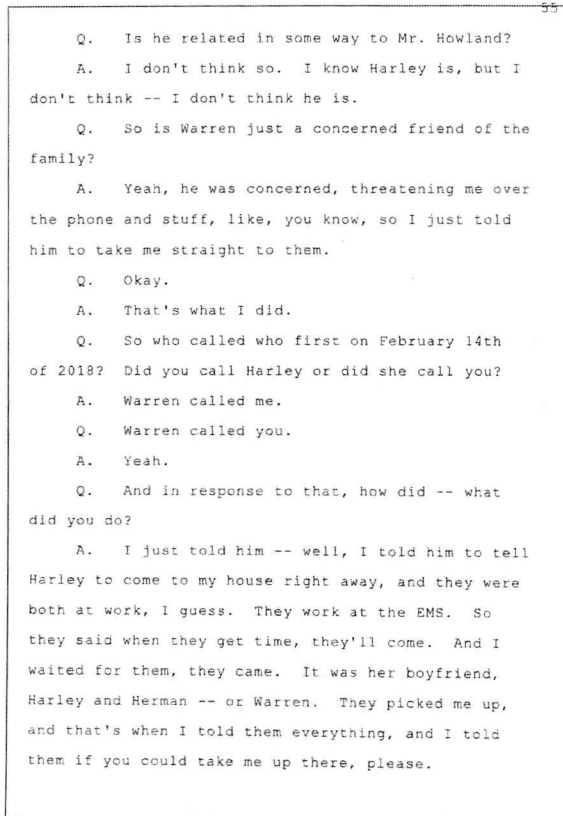
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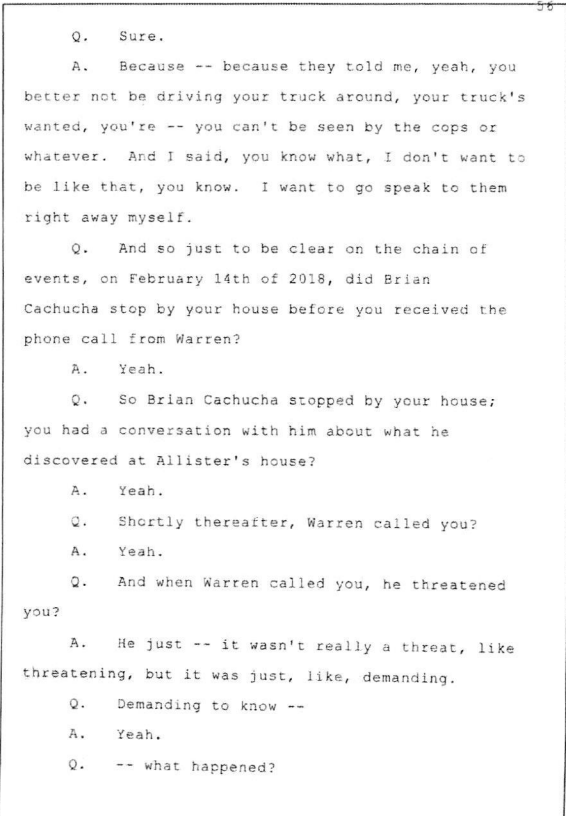
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1 A. Yeah, demanding to know.
 2 Q. And why would he have thought that you
 3 would know anything about it?
 4 A. I don't even know. Just -- just because
 5 they -- they said that -- well, he said over the
 6 phone, they said that my truck was seen over there,
 7 whatever, and, yeah, that's why I wanted to go talk
 8 to the FBI right away.
 9 Q. And was Allister a good friend of yours at
 10 that time?
 11 A. Yeah.
 12 Q. Okay. And so after speaking with Warren on
 13 the phone, you made arrangements for he and -- and
 14 Harley to pick you up sometime when they had an
 15 opportunity?
 16 A. Yeah, it was in the evening, probably
 17 around 6:00, 6:30 -- no, like, maybe, like, 4:30,
 18 5:30, because I spoke to them down there at 6:00.
 19 Q. Okay. And then Warren, Harley and Michael
 20 picked you up in a vehicle?
 21 A. Yeah.
 22 Q. They showed you the photograph that's
 23 marked as Grand Jury Exhibit 1?
 24 A. Yeah.
 25 Q. You don't know when that photograph was

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1 taken?
 2 A. Hum-um.
 3 Q. And they gave you a ride to speak with law
 4 enforcement?
 5 A. Yeah.
 6 Q. And where was that at?
 7 A. The crime scene. They took me up there.
 8 That was the only place I knew where the FBI was, and
 9 that's where they said they were, so... I spoke to
 10 the tribal police first, and then they wanted me to
 11 write an affidavit, so I -- I tried to write one, but
 12 that guy just came out of the -- the house and told
 13 me not to write one, and to meet them down there at
 14 6:00.
 15 Q. Okay.
 16 A. So that's what I did. Took my truck down
 17 there, I gave them my imprints on my shoes and stuff,
 18 and the tire tracks and everything.
 19 Q. And that was there at the Jicarilla Police
 20 Department?
 21 A. Yeah. And they took pictures of
 22 everything, my truck and everything.
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED] The picture that you saw from

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1 Warren was on his phone?
 2 WITNESS COLLINS: Yeah, they showed me from
 3 his phone, yeah.
 4 [REDACTED] Okay.
 5 [REDACTED] How did Warren get a picture
 6 of Travis?
 7 Q. (By Mr. Spindle) Do you know how Warren
 8 obtained this photograph? Did he say anything about
 9 it?
 10 A. I don't know. It was posted on Facebook,
 11 supposedly. Something like that.
 12 Q. And do you know who posted it?
 13 A. Huh-uh.
 14 [REDACTED]
 15 [REDACTED] Was he dead at that time?
 16 WITNESS COLLINS: I wouldn't know. I was
 17 at home with my girlfriend.
 18 Q. (By Mr. Spindle) Do you know any of the
 19 circumstances surrounding the taking of this
 20 photograph?
 21 A. Hum-um.
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

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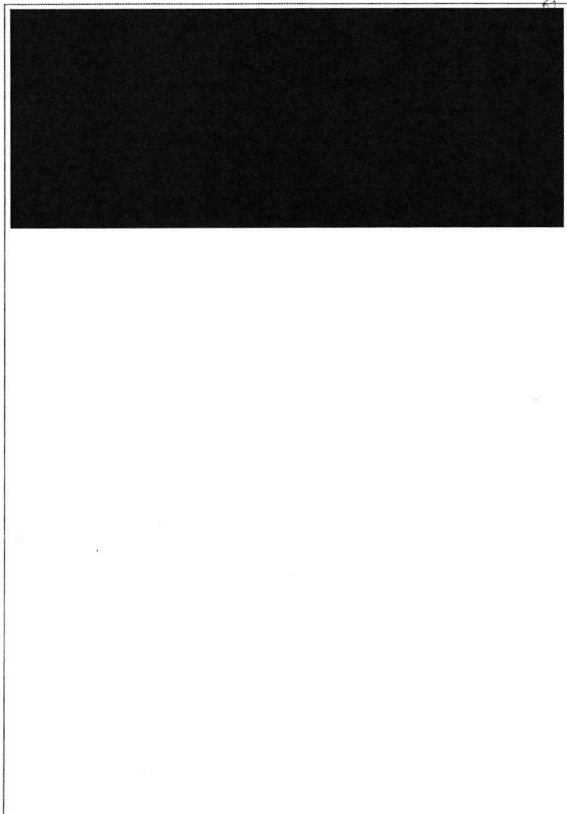
1 WITNESS COLLINS: Thank you guys again,
 2 too.
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
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SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 985-4149
FAX (505) 843-9492

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PROFESSIONAL COURT
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MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
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REPORTER'S CERTIFICATE

I, Peggy Jo Gonzales, New Mexico Certified Shorthand of the above-entitled cause were reported by me stenographically on July 10, 2018, and that the within transcript is a true and accurate transcription of my shorthand notes.

I FURTHER CERTIFY that I am neither employed by nor related to any of the parties or attorneys in this case, and that I have no interest whatsoever in the final disposition of this case in any court.

Peggy Jo Gonzales
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119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 985-4149
FAX (505) 843-9492

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